

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THOMAS WILLIAM SINCLAIR
RICHEY,

Petitioner,

v.

RON FRAKER.

Respondent.

CASE NO. C13-5043 RBL-JRC

REPORT AND RECOMMENDATION

NOTED FOR:

MARCH 15, 2013

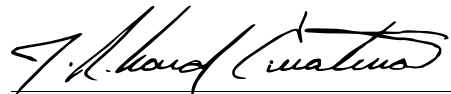
The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge, J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner seeks relief from a state conviction. Petitioner filed the petition pursuant to 28 U.S.C. § 2254.

Petitioner filed a motion to proceed in forma pauperis that was incomplete (ECF No. 1). The Clerk's Office sent a letter informing petitioner of the defects in his pleading (ECF No. 2). Petitioner then paid the full filing fee, but petitioner did not withdraw his motion to proceed in forma pauperis (ECF No. 3). The Court has not delay this petition by waiting until an order on

1 the motion to proceed in forma pauperis had been filed. The Court ordered service of the petition
2 (ECF No. 7). The Court now recommends that petitioner's motion to proceed in forma pauperis
3 be denied as moot because the full filing fee has been paid.

4 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
5 fourteen (14) days from service of this Report and Recommendation to file written objections.
6 *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for
7 purposes of de novo review by the district judge. *See* 28 U.S.C. § 63(b)(1)(C). Accommodating
8 the time limit imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for
9 consideration on March 15, 2013, as noted in the caption.

10 Dated this 25th day of February, 2013.

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14 J. Richard Creatura
15 United States Magistrate Judge
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